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LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER WEINTROP, ADAM S	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/645,224	CHRISTIAN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Adam S. Weintrop	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 May 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1, 4-6, 8-9, 12-14, 18-19, and 22-23** are rejected under 35 U.S.C. 102(e) as being anticipated by Ehrich et al. (US 2004/0215715 A1).

Regarding **claim 1**, Ehrich et al. anticipates:

A method, comprising:

receiving a request from a client to view a web page that includes one or more selectable links (section 0052, lines 4-9, where the user requests a web page);  
inspecting each of the one or more selectable links to determine if the one or more selectable links contain a respective link identifier, the respective link identifier configured to designate a corresponding selectable link to be tracked via a tracking system (section 0040, lines 1-7, where the developer identifies areas to be tracked by selecting start and end locations of the areas, seen as the respective link identifier,

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where an area can be a link area as noted in section 0042, lines 5-8, and then processing occurs that must inspect where the developer identified start and end locations, or respective link identifiers, of each selectable link);

replacing each of the one or more selectable links identified as containing a the respective link identifier with a modified link that contains a tracking identifier for use in the a tracking system to track the corresponding selectable link (section 0040, lines 1-7, with the processing inserting tags to correspond to the link identifiers identified by the developer, and this is seen as a modified link, since the new areas can be just link areas as noted in section 0042, lines 5-8, and this code is used to track as seen in section 0042-0043, where event handlers are added to interact with the collector program, and Figure 4 where the modified areas contain tracking identifiers seen as the "ID" section);

injecting client-side tracking code into the web page, the client-side tracking code being configured to run tracking procedures on the client when a one of said modified links is selected (section 0043, lines 1-16, where code is placed in the web page to monitor selection of areas or links, this selection being a entering or hovering of a region or link area);

loading the web page so that the web page is viewable at the client (section 0054, lines 1-3, where the page and program are loaded and displayed);

monitoring for a selection of one of said modified links (section 0054, lines 3-5, where moving of a pointing device is interpreted as selecting of an area or link); and

when one of said modified links is selected, communicating with the client to initiate the

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client-side tracking code to execute a tracking function that records information related to the corresponding selectable link in a log file (section 0054, lines 11-18, where when a user event occurs such as selecting an area or link area, the client collects the event data and sends the data to the server).

Regarding **claims 4, 13, and 22**, Ehrich et al. anticipates:

The method as recited in claim 1, the system as recited in claim 9, or the storage media of claim 18, wherein the tracking identifier further comprises a container identifier that identifies a container in which the corresponding selectable link is located (section 0042, lines 1-8, where areas can be link areas and these regions are marked by container identifiers, which can be included with tracking identifiers as shown in figure 4, where the container identifiers are the region tags, in this case the "<TD>" and "</TD>" tags since they identify a region or a container, and the tracking identifiers are the entire tag including the individual ID tags in the "ID=" section).

Regarding **claims 5 and 23**, Ehrich et al. anticipates:

The method as recited in claim 4 or the storage media of claim 22, wherein the tracking identifier further comprises a link index that is an index of the corresponding selectable link inside the container that is identified by the container identifier (Figure 4, where the

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tracking identifier is the "ID" field and this provides for an index of the tracking area or link by providing an identification of each tracked area in the container identified by the table tags).

Regarding **claim 6**, Ehrich et al. anticipates:

The method as recited in claim 1, further comprising the step of confirming that the web page loaded properly and is viewable at the client before proceeding with the tracking function (Figure 6, where the steps of Displaying Page and Load Program 650 on the client side are implemented before the tracking function proceeds, where without the page displaying, performing a tracking function would not happen, seen as confirming that the web page is loaded properly before proceeding with tracking).

Regarding **claims 8 and 12**, Ehrich et al. anticipates:

The method as recited in claim 1 or the system as recited in claim 9, further comprising terminating the processing of further steps if for each of the one or more selectable links that does not include a the respective link identifier (section 0040, lines 1-7 and section 0041, lines 1-10, where it is interpreted as if the developer does not identify an area or link to be tracked, it would not contain a link identifier, therefore processing would not proceed).

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Regarding **claim 9**, Ehrich et al. anticipates:

A system, comprising:

a processor (section 0052, lines 1-2, where the server is seen as a processor);

A memory coupled to the processor (section 0053, lines 2-4, where the page and program store is seen as a memory);

Web content in the form of one or multiple web pages stored in the memory, one said web page containing a selectable link that includes a link identifier (section 0039, lines 1-11 and section 0040, lines 1-7, where the page store stores the pages, and the developer identifies where the selectable areas will be, seen as a page containing a selectable link that includes an identifier, where tracked areas can be link areas as noted in section 0042, lines 1-8);

a tracking module stored in the memory and executable via the processor, the tracking module, when executed, configured to:

replace the selectable link with a modified link that includes a tracking identifier in place of the link identifier of the selectable link (section 0040, lines 1-7, with the processing inserting tags to correspond to the link identifiers identified by the developer, and this is seen as a modified link, since the new areas can be just link areas as noted in section 0042, lines 5-8, and this code is used to track as seen in section 0042-0043, where event handlers are added to interact with the collector program, and Figure 4 where the modified areas contain tracking identifiers seen as the "ID" section);

inject client-side tracking code into the web page that contains the modified link (section



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0043, lines 1-16, where code is placed in the web page to monitor selection of areas or links, this selection being a entering or hovering of a region or link area); and call the client-side tracking code to execute and initiate a tracking event with a tracking system when the modified link is selected (section 0054, lines 11-18, where when a user event occurs such as selecting an area or link area, the client collects the event data and sends the data to the server, seen as a tracking event).

Regarding **claim 14**, Ehrich et al. anticipates:

The system as recited in claim 9, wherein the tracking identifier further comprises the link identifier included in the selectable link (section 0039-0040, where the developer identifies regions to be tracked, seen as link identifiers, and then the system processes them to add the tracking identifiers, seen as part of the tags of the processed web page, where the tracking identifier is developed from the original link identifier, and this is seen as the tracking identifier including the link identifier).

Regarding **claim 18**, Ehrich et al. anticipates:

One or more computer-readable storage media containing computer-executable instructions that, when executed on a computer, perform the following steps:  
replacing selectable tracking links in a requested web page with modified selectable links that each include a tracking identifier for use with a tracking system to track a



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corresponding selectable tracking link (section 0040, lines 1-7, with the processing inserting tags to correspond to the link identifiers identified by the developer, and this is seen as a modified link, since the new areas can be just link areas as noted in section 0042, lines 5-8, and this code is used to track as seen in section 0042-0043, where event handlers are added to interact with the collector program, and Figure 4 where the modified areas contain tracking identifiers seen as the "ID" section);

injecting client-side code into the requested web page, the client-side code being configured to run to initiate a tracking event when a one of said modified selectable links is selected (section 0043, lines 1-16, where code is placed in the web page to monitor selection of areas or links, this selection being a entering or hovering of a region or link area);

initiating execution of the client-side code upon determining that a one of said modified selectable links has been selected at the client (section 0054, lines 11-18, where when a user event occurs such as selecting an area or link area, the client collects the event data and sends the data to the server); and

providing tracking information to a tracking system configured to log information related to the one said modified selectable link and the selection thereof (section 0054, lines 11-18, where when a user event occurs such as selecting an area or link area, the client collects the event data and sends the data to the server).

Regarding **claim 19**, Ehrich et al. anticipates:

The one or more computer-readable storage media as recited in claim 18, wherein the selectable tracking links are identified by inclusion of a link identifier in each selectable tracking link (Figure 4, where the "ID" field is seen as a link identifier in each selectable tracking link, as each selectable tracking area can be a link as noted in section 0042, lines 1-8 and the code is used for tracking selections as seen in section 0043, lines 4-16).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 2-3, 7, 10-11, 15, 20-21, 25, and 26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehrich et al. (US 2004/0215715 A1) in view of Johnson et al. (US 2002/0165955 A1).

For **claims 2, 10, and 20**, Ehrich discloses all of the limitations as described above except for using an area identifier with the link identifier that the original selectable link has. The general concept of adding area identifiers to link identifiers for purposes of tracking selectable links and the area where they are located on a page is

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well known in the art as illustrated by Johnson, where in his tracking system, he uses an area identifier along with other parameters to effectively track the user's activity. This is described in page 3, section 0039, lines 4-10, where he uses an area identifier in his tracking system. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Ehrich to include the use of area identifiers as taught by Johnson in order to add more detail to the tracking system to provide better content to their users as noted in Johnson et al.'s disclosure in section 0007, lines 1-7.

For **claims 3, 11, and 21**, Ehrich discloses all of the limitations as described above except for using a link type identifier with the link identifier that the original selectable link has. The general concept of adding link type identifiers to link identifiers for purposes of tracking selectable links and the type of links they are is well known in the art as illustrated by Johnson, where in his tracking system, he uses an type identifier along with other parameters to effectively track the user's activity. This is described in page 3, section 0039, lines 4-14, where he uses a type identifier in his tracking system that identifies if it's a graphic link, or a navigation link, etc. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Ehrich to include the use of link type identifiers as taught by Johnson in order to add more detail to the tracking system to provide better content to their users as noted in Johnson et al.'s disclosure in section 0007, lines 1-7.

For **claim 7**, Ehrich discloses all of the limitations as described above except for using the web page information and the area information along with the selectable link. The general concept of adding area information and web page information for purposes

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of tracking selectable links is well known in the art as illustrated by Johnson, where in his tracking system, he uses an area identifier and a content identifier along with other parameters to effectively track the user's activity. This is described in page 3, section 0039, lines 4-10, where he uses an area identifier in his tracking system to track specific areas where links are located and on page 3, section 0040, lines 1-4, where he uses the URL itself as information to pass along to the tracking system. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Ehrich to include the use of area information and web page information as taught by Johnson in order to add more detail to the tracking system to provide better content to their users as noted in Johnson et al.'s disclosure in section 0007, lines 1-7.

For **claim 15**, Ehrich discloses all of the limitations as described above except for using a tracking identifier that includes a modified link identifier that is different from the original link identifier. The general concept of using a modified link identifier with a tracking identifier is illustrated by Johnson in page 3, section 0041, lines 4-6, where his description includes the idea that a tracking identifier (his complete URL string as seen in page 3, section 0035), can include any part of the original link identifier (any one of the tracking identifiers listed in sections 0037-0040). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Ehrich to include a modified link identifier in the tracking identifier as illustrated by Johnson in order to only track what is necessary to log, thus improving the speed of the tracking system as noted in Johnson et al.'s disclosure in section 0007, lines 1-7.

For **claim 25**, Ehrich discloses all of the limitations as described above except for using location information with the tracking system that can identify where the link was in relation to the rest of the page. The general concept of adding location information to trackable links for purposes of tracking is well known in the art as illustrated by Johnson, where in his tracking system, he uses an area identifier along with other parameters to effectively track the user's activity. This is described in page 3, section 0039, lines 4-10, where he uses an area identifier in his tracking system. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Ehrich to include the use of area identifiers as taught by Johnson in order to add more detail to the tracking system to provide better content to their users as noted in Johnson et al.'s disclosure in section 0007, lines 1-7.

For **claim 26**, Ehrich et al. discloses all of the limitations as described above except for including page view information along with the rest of the tracking information. The general concept of using page view information is well known in the art as illustrated by Johnson, who describes on page 4, section 0051, lines 1-6, that his record for tracking web pages is a page view record, which includes all of the future described page view parameters in sections 0052-0053. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Ehrich to include the information regarding page view and the parameters associated with the page view in order to make a complete log of the web page tracking parameters to allow for better feedback to system administrators in the tracking system as noted in Johnson et al.'s disclosure in section 0006, lines 1-10.

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5. **Claim 24** is rejected under 35 U.S.C. 103(a) as being unpatentable over Ehrich et al. (US 2004/0215715 A1) in view of Garg et al. (US 2003/0177226 A1).

For **claim 24**, Ehrich et al. discloses all of the limitations as described above except for including the identity of a web page in the tracking information. The general concept of using the web page's identity for tracking web sites is well known in the art as illustrated by Garg, who discloses a similar tracking system that returns indicators to the server once the client loads a web page. On page 2, section 0020, lines 1-5, he describes that the indicator includes the URL of the web page for tracking purposes. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ehrich to include the use of returning the URL or identity of a web page being tracked as taught by Garg in order to provide a more detailed log of the web page tracking system to enhance the tracking system's organization as noted in Garg et al.'s disclosure in section 0007, lines 1-3.

6. **Claim 16** is rejected under 35 U.S.C. 103(a) as being unpatentable over Ehrich et al. (US 2004/0215715 A1) in view of Mogul.

For **claim 16**, Ehrich discloses all of the limitations described above except for testing the connection with the server and not performing the tracking operation if the server times out. The general concept of using time outs to test server connections in order to perform data transactions is well known in the art as illustrated by Mogul. On page 301, second column, 2<sup>nd</sup> paragraph of Mogul, he notes that servers may have to close connections to maintain resources for new requests, and in the 3<sup>rd</sup> paragraph, the server could close the connection based on a request not yet received. This could be

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from any sort of connection problem that creates a request that is not acted upon. It would be obvious to one of ordinary skill in the art at the time of invention to modify Ehrich to include server timeout connection test as taught by Mogul in order to increase the user's web page loading speed and efficiency, seeing that waiting for a server for too long would create undesirable lag.

7. **Claim 17** is rejected under 35 U.S.C. 103(a) as being unpatentable over Ehrich et al. (US 2004/0215715 A1) and Mogul.

For **claim 17**, the combination of Ehrich and Mogul disclose all of the limitations as described above except for using exactly 1.5 seconds for a time out period. Regarding using a specific time period as recited in claim 17, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ehrich and Mogul to include the use of a specific timeout, as setting a timeout period is a common and everyday occurrence throughout the networking art and the specific use of 1.5 seconds would have been an obvious matter of design preference depending upon such factors as server and client locations and server and client execution speed. The ordinarily skilled artisan would choose the best timeout that would most optimize the performance of the device based upon the above noted common design criteria in the application at hand.

8. **Claims 1, 6, 8-9, 12, 14, 18-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lorenz (US 2002/0078191 A1) in view of Davis (US 5,796,952).



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Regarding **claims 1, 6, and 8**, Lorenz anticipates:

A method, comprising:

receiving a request from a client to view a web page that includes one or more selectable links (section 0026, lines 2-5, with the loaded links page available to a user);

inspecting each of the one or more selectable links to determine if the one or more selectable links contain a respective link identifier, the respective link identifier configured to designate a corresponding selectable link to be tracked via a tracking

system (page 3, section 0027, lines 7-10, where the loaded links contain link

parameters and activating a loaded link sends a request to a server called an APT

server which inspects the loaded links to see if they contain loaded link parameters or transaction parameters, seen as link identifiers in page 4, section 0039, lines 1-4); and

replacing each of the one or more selectable links identified as containing the respective link identifier with a modified link that contains a tracking identifier for use in the a

tracking system to track the corresponding selectable link (section 0067, lines 1-9,

where a substitution routine can run on any document and replace the loaded links or

any other links with new transaction parameters for the purpose of tracking the URL's

embedded in the loaded links, the transaction parameters seen as tracking identifiers,

where the agenda script that runs only is run on a loaded link that includes that agenda

script, seen as identifying a link to be loaded, as seen in section 0072, lines 1-3).

Lorenz also discloses confirming that the web page is loaded properly and is viewable at the client before proceeding with the tracking function as required by claim 6 (page 5, section 0070, lines 1-3, Lorenz describes that if the client is served nothing, then the APT session is ended. This step is the same as confirming the web page is viewable before tracking it since with no web page seen by the client, the tracking function clearly cannot begin to function).

Lorenz further discloses terminating the processing of further steps for each of the one or more selectable links that does not include the respective link identifier (page 5, section 0070, lines 1-3, Lorenz describes that if the client is served nothing or is served an HTTP response not containing loaded links, seen as selectable links not including link identifiers, then the APT session is ended).

Lorenz does not disclose:

Injecting client-side tracking code into the web page, the client-side tracking code being configured to run tracking procedures on the client when a one of said modified links is selected;

Loading the web page so that the web page is viewable at the client;

monitoring for a selection of one of said modified links; and

when one of said modified links is selected, communicating with the client to initiate the client-side tracking code to execute a tracking function that records information related to the corresponding selectable link in a log file.

The general concept of using these steps is well known in the art as illustrated by Davis. Davis describes inserting client-side tracking code in a web page in column 8, lines 6-9, and then running the code and monitoring the for a selection of a user event such as a link being selected in column 8, lines 12-20. The step of loading the web page for a user to view is implied in Davis in column 8, lines 16-20, as without loading the web page, the code would not be loaded, and a user would have no web page to act upon. Davis describes that once a user event such as a link is selected happens, a log is kept with information that pertains to that link in column 11, lines 13-16 and 22-24, and this information is stored in a database on a server. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Lorenz to include the client-side tracking code steps as taught by Davis in order to add a more efficient tracking system by including user specific monitoring data as noted in Davis's disclosure in column 3, lines 64-67.

Regarding **claims 9, 12, and 14**, Lorenz discloses:

A system, comprising:

A processor (section 0015, lines 1-5, with the server seen as a processor);

A memory coupled to the processor (section 0026, lines 1-5, where the web page is stored to be available to the user);

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Web content in the form of multiple web pages stored in the memory, one said web page containing a selectable link that includes a link identifier (section 0026, lines 2-5, with the loaded links page available to a user);

A tracking module stored in the memory and executable via the processor, the tracking module, when executed, configured to:

replace the selectable link with a modified link that includes a tracking identifier in place of the link identifier of the selectable link (section 0067, lines 1-9, where a substitution routine can run on any document and replace the loaded links or any other links with new transaction parameters for the purpose of tracking the URL's embedded in the loaded links, the transaction parameters seen as tracking identifiers, where the agenda script that runs only is run on a loaded link that includes that agenda script, seen as identifying a link to be loaded, as seen in section 0072, lines 1-3).

Lorenz further discloses terminating the processing of further steps for each of the one or more selectable links that does not include the respective link identifier (page 5, section 0070, lines 1-3, Lorenz describes that if the client is served nothing or is served an HTTP response not containing loaded links, seen as selectable links not including link identifiers, then the APT session is ended).

Lorenz further describes using a tracking identifier that includes the link identifier of the original link as required by claim 14. The tracking identifier is the output of a Link Loading Agenda Script as described above. These tracking identifiers substitute the links in a document with new parameters for the purposes of tracking. The old parameters, or the link identifiers, of the loaded link would still be present in the new

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tracking identifier, or substituted link, since the old parameters enabled the Link Loading script to execute. This is described in page 5, section 0067, and lines 1-10. The new parameters make the link contain tracking identifiers, but the old parameters enable the link to be substituted, therefore the old link identifiers are included in the new tracking identifiers.

Lorenz does not disclose:

Injecting client-side tracking code into the web page that contains the modified link; and calling the client-side tracking code to execute and initiate a tracking event with a tracking system when the modified link is selected.

The general concept of using these steps is well known in the art as illustrated by Davis. Davis describes inserting client-side tracking code in a web page in column 8, lines 6-9, and then running the code and monitoring the for a selection of a user event such as a link being selected in column 8, lines 12-20. Davis describes that once a user event such as a link is selected happens, a log is kept with information that pertains to that link in column 11, lines 13-16 and 22-24, and this information is stored in a database on a server. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Lorenz to include the client-side tracking code steps as taught by Davis in order to add a more efficient tracking system by including user specific monitoring data as noted in Davis's disclosure in column 3, lines 64-67.

Regarding **claims 18 and 19**, Lorenz discloses:

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One or more computer readable storage media containing computer executable instructions that, when executed on a computer, perform the steps of:

Replacing the selectable tracking links in a requested web page with modified selectable links that each include a tracking identifier for use with a tracking system to track a corresponding selectable tracking link (section 0067, lines 1-9, where a substitution routine can run on any document and replace the loaded links or any other links with new transaction parameters for the purpose of tracking the URL's embedded in the loaded links, the parameters seen as tracking identifiers, where the agenda script that runs only is run on a loaded link that includes that agenda script, seen as identifying a link to be loaded, as seen in section 0072, lines 1-3).

Lorenz further describes using a link identifier in the selectable tracking links (section 0028, lines 1-8, where a link identifier can be an identifier that makes a URL become a loaded link, such as a transaction parameter or being addressed to the APT, and these links are selectable tracking links).

Lorenz does not disclose:

Injecting client-side tracking code into the requested web page, the client-side code being configured to run to initiate a tracking event when one of said selectable links is selected;

Initiate execution of the client-side code upon determining that one of the said modified selectable links has been selected at the client; and

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Providing tracking information to a tracking system configured to log information related to the one said modified selectable link and the selection thereof.

The general concept of using these steps is well known in the art as illustrated by Davis. Davis describes inserting client-side tracking code in a web page in column 8, lines 6-9, and then running the code and monitoring the for a selection of a user event such as a link being selected in column 8, lines 12-20. Davis describes that once a user event such as a link is selected happens, a log is kept with information that pertains to that link in column 11, lines 13-16 and 22-24, and this information is stored in a database on a server. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Lorenz to include the client-side tracking code steps as taught by Davis in order to add a more efficient tracking system by including user specific monitoring data as noted in Davis's disclosure in column 3, lines 64-67.

9. **Claims 2-5, 7, 10-11, 13, 15, 20-23, and 25-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lorenz (US 2002/0078191 A1) in view of Davis (US 5,796,952) and further in view of Johnson (US 2002/0165955 A1).

For **claim 2, 10, and 20**, Lorenz and Davis disclose all of the limitations as described above except for using an area identifier with the link identifier that the original selectable link has. The general concept of adding area identifiers to link identifiers for purposes of tracking selectable links and the area where they are located on a page is well known in the art as illustrated by Johnson, where in his tracking



system, he uses an area identifier along with other parameters to effectively track the user's activity. This is described in page 3, section 0039, lines 4-10, where he uses an area identifier in his tracking system. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Lorenz and Davis to include the use of area identifiers as taught by Johnson in order to add more detail to the tracking system to provide better content to their users as noted in Johnson et al.'s disclosure in section 0007, lines 1-7.

For **claim 3, 11, and 21**, Lorenz and Davis disclose all of the limitations as described above except for using a link type identifier with the link identifier that the original selectable link has. The general concept of adding link type identifiers to link identifiers for purposes of tracking selectable links and the type of links they are is well known in the art as illustrated by Johnson, where in his tracking system, he uses an type identifier along with other parameters to effectively track the user's activity. This is described in page 3, section 0039, lines 4-14, where he uses a type identifier in his tracking system that identifies if it's a graphic link, or a navigation link, etc. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Lorenz and Davis to include the use of link type identifiers as taught by Johnson in order to add more detail to the tracking system to provide better content to their users as noted in Johnson et al.'s disclosure in section 0007, lines 1-7.

For **claim 4, 5, 13, 22, and 23**, Lorenz and Davis disclose all of the limitations as described above except for using a container identifier with the tracking identifier with the modified link and using link indices as required by claims 5 and 23. The general

concept of adding container identifiers to tracking identifiers and using link indices with them as required by claims 5 and 23 for purposes of tracking selectable links and the container where they are located on a page is well known in the art as illustrated by Johnson, where in his tracking system, he uses an area identifier along with other parameters to effectively track the user's activity. This is described in page 3, section 0039, lines 4-11, where he uses an area identifier in his tracking system. An area identifier in the tracking identifier would produce the same tracking log as using an area identifier with a link identifier. Johnson's tracking structure is set to identify the individual links tracked. The last part of the identifier consists of "LL" which can be a link inside the "AA" area. The area can be a container full of links, and therefore the "LL" structure could provide for a link index if configured properly. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Lorenz and Davis to include the use of area identifiers or container identifiers with link indices as taught by Johnson in order to add more detail to the tracking system to provide better content to their users as noted in Johnson et al.'s disclosure in section 0007, lines 1-7.

For **claim 7**, Lorenz and Davis disclose all of the limitations as described above except for using the web page information and the area information along with the selectable link. The general concept of adding area information and web page information for purposes of tracking selectable links is well known in the art as illustrated by Johnson, where in his tracking system, he uses an area identifier and a content identifier along with other parameters to effectively track the user's activity. This is described in page 3, section 0039, lines 4-10, where he uses an area identifier in his

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tracking system to track specific areas where links are located and on page 3, section 0040, lines 1-4, where he uses the URL itself as information to pass along to the tracking system. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Lorenz and Davis to include the use of area information and web page information as taught by Johnson in order to add more detail to the tracking system to provide better content to their users as noted in Johnson et al.'s disclosure in section 0007, lines 1-7.

For **claim 15**, Lorenz and Davis disclose all of the limitations as described above except for using a tracking identifier that includes a modified link identifier that is different from the original link identifier. The general concept of using a modified link identifier with a tracking identifier is illustrated by Johnson in page 3, section 0041, lines 4-6, where his description includes the idea that a tracking identifier (his complete URL string as seen in page 3, section 0035), can include any part of the original link identifier (any one of the tracking identifiers listed in sections 0037-0040). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Lorenz and Davis to include a modified link identifier in the tracking identifier as illustrated by Johnson in order to add more detail to the tracking system to provide better content to their users as noted in Johnson et al.'s disclosure in section 0007, lines 1-7.

For **claim 25**, Lorenz and Davis disclose all of the limitations as described above except for using location information with the tracking system that can identify where the link was in relation to the rest of the page. The general concept of adding location information to trackable links for purposes of tracking is well known in the art as

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illustrated by Johnson, where in his tracking system, he uses an area identifier along with other parameters to effectively track the user's activity. This is described in page 3, section 0039, lines 4-10, where he uses an area identifier in his tracking system. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Lorenz and Davis to include the use of area identifiers as taught by Johnson in order to add more detail to the tracking system to provide better content to their users as noted in Johnson et al.'s disclosure in section 0007, lines 1-7.

For **claim 26**, Lorenz and Davis disclose all of the limitations as described above except for including page view information along with the rest of the tracking information. The general concept of using page view information is well known in the art as illustrated by Johnson, who describes on page 4, section 0051, lines 1-6, that his record for tracking web pages is a page view record, which includes all of the future described page view parameters in sections 0052-0053. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Lorenz and Davis to include the information regarding page view and the parameters associated with the page view in order to make a complete log of the web page tracking parameters to allow for better feedback to system administrators in the tracking system as noted in Johnson et al.'s disclosure in section 0006, lines 1-10.

10. **Claim 24** is rejected under 35 U.S.C. 103(a) as being unpatentable over Lorenz (US 2002/0078191 A1) in view of Davis (US 5,796,952) and further in view of Garg et al. (US 2003/0177226 A1).

For **claim 24**, Lorenz and Davis disclose all of the limitations as described above except for including the identity of a web page in the tracking information. The general concept of using the web page's identity for tracking web sites is well known in the art as illustrated by Garg, who discloses a similar tracking system that returns indicators to the server once the client loads a web page. On page 2, section 0020, lines 1-5, he describes that the indicator includes the URL of the web page for tracking purposes. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lorenz and Davis to include the use of returning the URL or identity of a web page being tracked as taught by Garg in order to provide a more detailed log of the web page tracking system to enhance the tracking system's organization as noted in Garg et al.'s disclosure in section 0007, lines 1-3.

11. **Claim 16** is rejected under 35 U.S.C. 103(a) as being unpatentable over Lorenz (US 2002/0078191 A1) in view of Davis (US 5,796,952) and further in view of Mogul.

For **claim 16**, Lorenz and Davis disclose all of the limitations described above except for testing the connection with the server and not performing the tracking operation if the server times out. The general concept of using time outs to test server connections in order to perform data transactions is well known in the art as illustrated by Mogul. On page 301, second column, 2<sup>nd</sup> paragraph of Mogul, he notes that servers may have to close connections to maintain resources for new requests, and in the 3<sup>rd</sup> paragraph, the server could close the connection based on a request not yet received. This could be from any sort of connection problem that creates a request that is not acted upon. It would be obvious to one of ordinary skill in the art at the time of invention

to modify Lorenz and Davis to include server timeout connection test as taught by Mogul in order to increase the user's web page loading speed and efficiency, seeing that waiting for a server for too long would create undesirable lag.

12. **Claim 17** is rejected under 35 U.S.C. 103(a) as being unpatentable over Lorenz (US 2002/0078191 A1) in view of Davis (US 5,796,952) and Mogul.

For **claim 17**, the combination of Lorenz, Davis, and Mogul disclose all of the limitations as described above except for using exactly 1.5 seconds for a time out period. Regarding using a specific time period as recited in claim 17, It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lorenz and Davis and Mogul to include the use of a specific timeout, as setting a timeout period is a common and everyday occurrence throughout the networking art and the specific use of 1.5 seconds would have been an obvious matter of design preference depending upon such factors as server and client locations and server and client execution speed. The ordinarily skilled artisan would choose the best timeout that would most optimize the performance of the device based upon the above noted common design criteria in the application at hand.

### ***Response to Arguments***

13. Applicant's arguments filed 5/7/07 have been fully considered but they are not persuasive.

*Summary and Response to Arguments*

A. Applicant has amended the claims to obviate the claim objections.

As to point A, the claim amendments have obviated the claim objections.

B. Applicant has amended the claims to overcome the rejection under 35 U.S.C. 112.

As to point B, the claim amendments overcome the rejection under 35 U.S.C. 112.

C. Applicant has amended the claims to overcome the rejection for non-statutory subject matter under 35 U.S.C. 101.

As to point C, the claim amendments overcome the rejection under 35 U.S.C. 101.

D. Applicant argues the rejection under 35 U.S.C. 102(e) for claims 1, 4-6, 8-9, 12-14, 18-19, and 22-23 as being anticipated by Ehrich et al. for failing to disclose all the recited limitations.

As to point D, Ehrich et al. describes tracking parts of web pages by monitoring the user's interaction with certain areas on the page, these areas, for example, could be individual links. The broadest reasonable interpretation of the concept of "selecting" is interpreted to mean hovering over a certain link. With this interpretation, Ehrich et al. does anticipate monitoring the selection of links and



modifying the original links to include code that will monitor the selection of these links and log the data.

E. Applicant argues the rejection under 35 U.S.C. 103(a) as being unpatentable over Ehrich et al. in view of Johnson, Garg, and Mogul for claims 2-3, 7, 10-11, 15, 20-21, and 25-26 as Ehrich et al. does not disclose all of the features of the independent claims, while Johnson, Garg, and Mogul fail to correct the deficit.

As to point E, Ehrich et al. does anticipate the independent claims, while the combination of Ehrich et al. with Johnson, Garg, and Mogul create a prima facie case of obviousness for the dependent claims.

F. Applicant argues the rejection under 35 U.S.C. 103(a) as being unpatentable over Lorenz in view of Davis for claims 1, 6, 8-9, 12, 14, and 18-19 as Lorenz taken with Davis do not disclose all of the limitations and also do not provide proper motivation to combine the two references.

As to point F, Lorenz does describe the link inspection and replacement process as described above. Lorenz describes server side tracking while Davis describes tracking with client side software. The combination of the two references does not defeat the purpose of Lorenz. One of Lorenz's features is to not use client side software modifications, yet the combination of the two references add to one another--one does server side tracking, the other client side tracking. The Davis

reference does not render the Lorenz reference useless as it does not take one of ordinary skill in the art away from the teachings as one can server side track as well as client side track. The references Lorenz and Davis create a prima facie case of obviousness. The motivation to combine Lorenz with Davis is to include user specific data monitoring as noted in Davis's disclosure in column 3, lines 64-67 so as to better target pages for each user of the website.

G. Applicant argues the rejection under 35 U.S.C. 103(a) as being unpatentable over Lorenz and Davis in view of Johnson, Garg, and Mogul for claims 2-5, 7, 10-11, 13, 15-17, 20-26 as Lorenz and Davis do not disclose all of the features of the independent claims, while Johnson, Garg, and Mogul fail to correct the deficit.

As to point G, Lorenz and Davis do teach the independent claims, while the combination of Lorenz and Davis with Johnson, Garg, and Mogul create a prima facie case of obviousness for the dependent claims.

***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Decime (US 2003/0187976 A1) discloses a similar tracking system where web pages are intercepted and tags are added to the URL of the web site corresponding to the client.

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam S. Weintrop whose telephone number is 571-270-1604. The examiner can normally be reached on Monday through Friday 7:30am-5:00pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached at 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AW

6/5/07

  
JASON CARDONE  
SUPERVISORY PATENT EXAMINER